

# Committee on Resources

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## TESTIMONY OF DR. BENJAMIN N. TUGGLE, CHIEF, DIVISION OF FEDERAL PROGRAM ACTIVITIES, U.S. FISH AND WILDLIFE SERVICE, BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS HEARING ON THE SIKES ACT REAUTHORIZATION ACT OF 2003

April 10, 2003

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present testimony on the Sikes Act Reauthorization Act of 2003. The Fish and Wildlife Service appreciates your interest in conserving fish and wildlife resources on military installations, and the Subcommittee's leadership efforts to reauthorize the Sikes Act.

The biggest land management challenge for the Department of Defense (DOD) may be the need to use its air, land, and water resources for military training and testing while conserving natural resources for future generations. The Sikes Act has provided the Fish and Wildlife Service and the affected States the opportunity to help DOD meet this challenge, and we are pleased to say that we believe DOD has embraced its stewardship responsibilities for the lands it manages. The Fish and Wildlife Service, working with the State fish and wildlife agencies, has established numerous effective partnerships with the military through the Sikes Act, resulting in collaborative natural resource management on installations while the military continues to successfully carry out its missions. We strongly support the reauthorization of the Sikes Act during this Congress to continue and expand these cooperative efforts with military installations.

### History of the Sikes Act

The Fish and Wildlife Service, the States, and DOD have long recognized the importance and value of conserving fish and wildlife resources on military lands. Prior to the enactment of the Sikes Act in 1960, the Fish and Wildlife Service worked with DOD on fisheries management programs to develop recreational fishing opportunities on DOD installations. Passage of the Sikes Act formalized these cooperative efforts and, most importantly, gave Congressional recognition to the significant potential for fish and wildlife management and recreation on DOD lands.

Over the decades, the Sikes Act has played an important role to ensure that fish, wildlife, and other natural resources on military installations are conserved in ways that are compatible with the missions of these installations. Subsequent amendments have expanded the authority of the Act to include improving fish and wildlife habitats, protecting threatened and endangered species, and developing multi-use natural resource management plans.

The Sikes Act Improvement Act of 1997 broadened the scope of DOD natural resources programs, integrated natural resources programs with operations and training, embraced the tenets of conservation biology, invited public review, and strengthened funding for conservation activities on military lands. Underlying this commitment to conserve natural resources is the concurrent commitment that the military mission cannot be compromised. The Act required the development and implementation of Integrated Natural Resource Management Plans (INRMPs) for relevant installations by November 18, 2001. The Act emphasizes that the plans are to be prepared in cooperation with the Fish and Wildlife Service and the State fish and wildlife agencies and anticipated a truly collaborative process with full involvement of natural resource agencies. INRMPs also provide for public access to installations for enjoyment of natural resources, when practicable, and DOD seeks public comments on the plans.

The Sikes Act states that INRMPs shall reflect mutual agreement of the installation commanders, the Fish and Wildlife Service, and the State fish and wildlife agencies. Ideally, all parties reach agreement on entire plans, but there is a minimum requirement that INRMPs reflect agreement on elements of plans for conservation, protection, and management of fish and wildlife resources. The Act neither enlarges nor diminishes each party's legal authorities. And it is important to note that INRMPs cannot, and do not, compromise the capability of installation lands to support the military mission.

### Fish and Wildlife Service's roles and responsibilities under the Sikes Act

When implementing its responsibilities under the Sikes Act, the Fish and Wildlife Service focuses on: (1) evaluating the impacts of installation mission and activities on fish and wildlife; (2) ensuring that habitat important to fish and wildlife is taken into consideration in the development of INRMPs; and (3) identifying

opportunities to enhance fish and wildlife resources for public benefits while accomplishing the missions of military installations. Several statutes guide our involvement in conservation planning, including the Fish and Wildlife Coordination Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Environmental Policy Act.

The Fish and Wildlife Service's work on INRMPs is conducted primarily at the Field and Regional Office levels. The Fish and Wildlife Service staff that do this work have large workloads and numerous responsibilities. Despite this, the Fish and Wildlife Service, working with State fish and wildlife agencies and DOD, has had significant accomplishments related to the Sikes Act. In FY 2001, the Fish and Wildlife Service expended in excess of \$920,000 of appropriated funds and staff hours equal to over 34 full-time employees for work done pursuant to the Sikes Act. In FY 2002, the Fish and Wildlife Service expended over \$897,000 of appropriated funds and staff hours equal to approximately 30 full-time employees for this work. The Fish and Wildlife Service's expenditures involved the following activities:

- reviewing and processing INRMPs;
- Endangered Species Act consultation;
- conducting site reviews and interagency meetings;
- providing technical assistance in planning and developing INRMPs;
- providing field technical assistance, such as fish and wildlife surveys and habitat assessments and restoration; and
- conducting INRMP implementation actions, such as population assessment and evaluation, fish stocking, exotic species control, and hunting, fishing, and environmental education programs.

Most often, the Fish and Wildlife Service becomes involved in the INRMP process when a draft INRMP is sent to a field office by a military installation for review and comment. When a Fish and Wildlife Service field office receives an INRMP, it conducts a complete programmatic review of the plan within the Fish and Wildlife Service, including review by the Endangered Species, Fish and Wildlife Management Assistance, National Wildlife Refuges, and Migratory Birds programs. This ensures that the breadth of expertise in various programs is brought to bear on these plans and ensures compliance with the environmental laws administered by the Fish and Wildlife Service.

After comments are exchanged, revisions made, and agreement reached (specifically in regards to the conservation, protection, and management of fish and wildlife resources) between a Fish and Wildlife Service field office and a military installation, the military installation sends a final draft INRMP to the Fish and Wildlife Service's Regional Office. The Regional Sikes Act Coordinator is responsible for ensuring timely review, coordination, and processing of the final draft INRMP and facilitating Regional Director approval of the plan. The Fish and Wildlife Service's agreement to an INRMP is signified by the approval of the Regional Director.

The Fish and Wildlife Service and State cooperation and coordination on INRMPs are a continuing process beyond the agency approval of a plan. INRMPs are reviewed by military installations on a yearly basis and our feedback is requested during the review concerning the implementation and effectiveness of the plans. Every 5 years INRMPs go through a formal review and approval process that involves a public comment period and coordination again with the Fish and Wildlife Service and State fish and wildlife agencies.

The benefits of INRMPs to fish and wildlife resources

The Department of Defense manages approximately 25 million acres of land on its major military installations in the United States, of which 19 million acres are dedicated to Fish and Wildlife Conservation. Limits on access due to security and safety concerns have sheltered many of these lands from development and other adverse impacts. Military lands contain rare and unique plant and animal species and native habitats such as old-growth forests, tall-grass prairies, and vernal pool wetlands. Over 300 threatened and endangered species live on DOD-managed lands. These lands and the species they support are an essential component of our Nation's biodiversity. Recognizing this, the Fish and Wildlife Service has worked extensively with the State fish and wildlife agencies and military installations to develop plans that will effectively conserve fish and wildlife resources and promote compatible outdoor recreation, while enhancing military preparedness through improved stewardship of the land.

The technical expertise of Fish and Wildlife Service employees combined with State fish and wildlife agencies' expertise and responsibilities for resident species and DOD's knowledge of training requirements and their installation's natural resources, allows for an unprecedented opportunity for cooperative management of substantial natural resources. Some examples of how we have seized upon this opportunity follow below:

In August of 2002, the Fish and Wildlife Service, three naval installations (Naval Air Station, Kingsville, Naval Station Ingleside, and Naval Air Station Corpus Christi) and the Texas Parks and Wildlife Department signed a charter for the "South Texas Natural Resources Partnering Team." The vision of this partnering team is to work cooperatively to achieve environmental compliance and maximize natural resources stewardship in South Texas, while meeting national defense requirements. The team has many goals including fostering open communication, promoting habitat stewardship, coordinating natural resource protection into active programs, and integrating natural resource protection in other programs.

The Fish and Wildlife Service has enjoyed a long, productive relationship with Fort Carson, Colorado. Over approximately 50 years, Fort Carson and the Fish and Wildlife Service have partnered to provide sport fishing opportunities, native plant and wildlife research, and native species restoration programs. We have formed a spirit of cooperation and friendship that has assisted both parties in overcoming management barriers. By addressing the entire scope of problems faced by native species, the Fort Carson environmental program is a model for progressive natural resource planning. As part of their habitat conservation efforts, Fort Carson provides full funding for 10 Fish and Wildlife Service field staff positions. This partnership between Fort Carson and the Fish and Wildlife Service provides professional habitat monitoring, INRMP development and implementation, and National Environmental Policy Act review. By funding Fish and Wildlife Service positions dedicated to working on Ft. Carson's environmental management issues, the base has significantly reduced regulatory conflicts and increased the value of its natural resources, while ensuring its mission is not compromised.

#### The Fish and Wildlife Service and DOD working relationships

Coordination on implementing the Sikes Act has led to productive relationships between the Fish and Wildlife Service, State fish and wildlife agencies and DOD. Following the enactment of the 1997 amendments, the Fish and Wildlife Service and State fish and wildlife agencies exerted tremendous effort to help the DOD meet the November 2001 statutory deadline for the completion of INRMPs for all relevant military installations (approximately 380 installations across the Nation). A majority of these INRMPs were completed and approved by the deadline.

As part of the process of attempting to meet the statutory deadline, in 1999, the Fish and Wildlife Service signed a Memorandum of Understanding with DOD for the "Ecosystem-Based Management of Fish, Wildlife and Plant Resources on Military Lands." It established a policy of cooperation and coordination between the DOD and the Fish and Wildlife Service for the effective and efficient management of fish, wildlife, and plant resources on military lands. The MOU defined what INRMPs must address, identified areas in which the Fish and Wildlife Service has expertise and may be of assistance, and identified the respective responsibilities of DOD and Fish and Wildlife Service.

In fiscal year 2001, 32 military installations provided over \$4 million to the Fish and Wildlife Service and \$402,000 to the State fish and wildlife agencies to support natural resource conservation work on military installations. In fiscal year 2002, 21 military installations provided \$2.2 million to the Fish and Wildlife Service and \$143,000 to the State fish and wildlife agencies. Of the funds provided to the Fish and Wildlife Service in both fiscal years 2001 and 2002, over 60% was provided to support 12-14 full time Fish and Wildlife Service field employees working exclusively on Fort Carson and Pueblo Depot installations in Colorado.

The Fish and Wildlife Service continues to be actively engaged in coordination with the military and State fish and wildlife agencies through the Sikes Act Core Group. The Core Group includes representatives from the DOD and each of the military services, the International Association of Fish and Wildlife Agencies, and the Fish and Wildlife Service's National Sikes Act Coordinator. The interagency Core Group is continuing work on a number of efforts to improve coordination and cooperation among our agencies. For example, in fiscal year 2002, the Core Group assisted the DOD in developing revised Sikes Act guidance for the military services. The Fish and Wildlife Service is in the process of finalizing similar national guidance to provide consistency between agencies in interpretation, and direction for implementation, of Sikes Act requirements. Our revised guidance will emphasize the importance of internal and external coordination, conducted in an expeditious manner, to effectively conserve, protect, and manage fish and wildlife resources on military lands.

#### Additional Opportunities under the Sikes Act

The Fish and Wildlife Service believes that the Sikes Act has provided an important process for affording meaningful conservation benefits to fish and wildlife on military lands. We offer the following thoughts as we look forward to reauthorization.

The Fish and Wildlife Service would like to be more involved in the development and revision of INRMPs, and in the evaluation of the effectiveness and implementation of INRMPs. We are working collaboratively with DOD to help address this. Revised DOD Sikes Act guidance to the military services, issued October

2002, states that military installations will inform the Fish and Wildlife Service and State fish and wildlife agencies of their intent to prepare or revise an INRMP 30 days in advance, and will request our participation. The Fish and Wildlife Service field offices will participate in the development of INRMPs as much as feasible. The Fish and Wildlife Service wants to work more closely with the State fish and wildlife agencies and to facilitate three-way dialog between military installations, State fish and wildlife agencies, and the Fish and Wildlife Service.

We would also like to perform more thorough reviews of INRMPs, leading to plans that are more robust in terms of providing benefits to fish and wildlife resources, while not compromising the military mission.

Approval of INRMPs is important because it provides DOD with a heightened level of certainty that they are meeting their environmental responsibilities while continuing to provide military readiness training. To aid in the efficient and timely completion and approval of management plans, and to improve the value of those plans to fish and wildlife conservation within constrained resources, the Fish and Wildlife Service and DOD have developed ways to facilitate funding transfers on a reimbursable basis to hire staff whose only duties are related to Sikes Act and other coordination issues with DOD. We would like to ensure that our role in developing and reviewing INRMPs is meaningful and efficient.

Finally, we note that the Administration's National Defense Authorization Act for Fiscal Year 2004 includes DOD's Readiness and Range Preservation Initiative (Section 316). This initiative includes a provision which states that INRMPs developed pursuant to the Sikes Act and that address threatened and endangered species on a military installation, will provide the special management considerations or protection required under the Endangered Species Act and will obviate need for designation of critical habitat on military lands for which such plans have been completed. The Fish and Wildlife Service notes that INRMPs may serve as an effective vehicle through which the military services can comprehensively and pro-actively plan for the conservation of fish and wildlife species and their habitats.

#### Conclusion

The Fish and Wildlife Service looks forward to continued participation and cooperation with the DOD and State fish and wildlife agencies in maximizing fish and wildlife management potential on military lands, and integrating this potential into broader resource protection, restoration, and management efforts. We will continue our efforts with the military to develop effective Integrated Natural Resource Management Plans that are designed to conserve natural resources and promote public access and recreation, while enhancing military preparedness through improved stewardship and sustainability of DOD lands.

Mr. Chairman, we appreciate the opportunity to share with the subcommittee this information on the significant opportunities provided under the authority of the Sikes Act. Again, we appreciate and support your efforts to reauthorize the Sikes Act, and look forward to working with you and our partners to identify and enact any amendments that would improve this important law. I will be pleased to answer any questions you may have.